

REMARKS

Prior to entry of this Amendment, claims 1-6 are pending in the application. After entry of this Amendment, claim 1 is amended, claim 2 is cancelled, claims 3-5 are withdrawn, and claim 4 remains unchanged.

In the Office Action, the Examiner made a species-type unity of invention rejection under PCT Rule 13.1 etc. By way of this Amendment, the Applicants provisionally elect to proceed with Group I from the Main Grouping, and Group A from the First Sub-Grouping. No election need be made from the Second Sub-Grouping. This election is being made with traverse.

Claims 2 and 4 read on the elected species of Group I, Sub-Group A.

This election is being made with traverse because Applicants believe the election is not in compliance with PCT Rule 13. PCT Rule 13.2 states that the unity of invention requirement is fulfilled when there is a technical relationship involving one or more of the same "special technical features". The term "special technical features shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art." PCT Rule 13.2. Whether a group of inventions is linked to form a single general inventive concept under PCT Rule 13 is determined regardless of whether the inventions are claimed in separate claims or within a single claim. PCT Rule 13.3.

In the present invention, all the claims recite the same special technical features, namely that the inner walls of the non-stick cooking utensil have a non-smooth surface with convex units, and a surface film is formed on the surfaces of the non-smooth convex units as recited in generic claim 1. This combination of technical features is what defines the contribution that each of the claims, considered as a whole, makes over the prior art. The Applicants respectfully submit that the Examiner is not entitled to parse the claims into species and sub-species in this PCT National Phase case, as is commonly done in U.S. originating applications.

For these reasons, the Applicants respectfully submit that the unity of invention rejection is improper, and ask that it be withdrawn. If the Patent Office agrees that the unity of invention rejection is improper under PCT Rule 13, Applicants submit that no amendment to the claims is necessary, and request that the claims be substantively examined as originally filed.

In any event, Applicants reserve the right to add back the dependent claims in the event that the generic claim is deemed allowable, and/or file one or more divisional applications on withdrawn claims.

Respectfully submitted,



Casimir F. Laska
Reg. No. 30,862

Docket No.: 016687-9009-US00
Michael Best & Friedrich LLP
100 East Wisconsin Avenue
Suite 3300
Milwaukee, Wisconsin 53202-4108
262.956.6560

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